

Practitioner's Docket No. 61994.00011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: Chin-Yin TSAI, et al.

Application No.: 10/ 782,352

Group No.: 2655

Filed: February 19, 2004

Examiner: Unknown

For: Apparatus and Method for Detecting Defects of a Recording and Reproducing System

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**AMENDMENT, REQUEST AND FEE TO DELETE AND/OR
ADD TO ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED
INVENTOR(S) IN—NONPROVISIONAL APPLICATION—DECLARATION
(37 C.F.R. § 1.48(a))**

NOTE: "If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention of the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors." 37 C.F.R. § 1.48(a)

NOTE: 37 C.F.R. § 1.48(f)(1): "Nonprovisional application-filing executed oath/declaration corrects inventorship. If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath or declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship. See §§ 1.41(a)(4) and 1.497(d) for submission of an executed oath or declaration to enter the national stage under 35 U.S.C. 371 and § 1.494 or § 1.495 naming an inventive entity different from the inventive entity set forth in the international stage."

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 7/22/05

Signature

Aaron Wininger

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s)
in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9-22]—page 1 of 3)

1. This amendment and request is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on 2/19/04 (date).
2. Addition and/or Deletion of Inventor(s)

(check and complete all applicable items)

☒ Add the following previously unnamed person(s) as inventor(s) of this application:
Shih-Fang Chen (as second inventor)

☒ Delete the following previously incorrectly named inventor(s)
Yi-Lin Lai

3. Attachments

Attached is

(a) A statement from: *(check items below that apply)*

☒ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

☒ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(2).

(c) written assent of the assignee *(if any of the original inventors executed an assignment)* 37 C.F.R. 1.48(a)(4)

(d) *(check the following item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)*

☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. Fee Payment (37 C.F.R. § 1.17(i)–\$130.00)

The fee required is paid as follows:

☐ Attached is a ☐ check ☐ money order in the amount of \$ _____

☒ Authorization is hereby made to charge the amount of \$ 130.00

☒ to Deposit Account No. 05-0150

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should *not* be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 45,229

Tel. No.: (650) 856-6500

Customer No.: 30256


SIGNATURE OF PRACTITIONER

Aaron Wining
(type or print name of practitioner)

600 Hansen Way
P.O. Address

Palo Alto, CA 94304-1043

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s)
in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9-22]—page 3 of 3)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor Application of:

Examiner: Unknown

Chin-Yin TSAI, *et al.*

Serial No.: 10/782,352

Art Unit: 2655

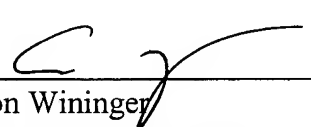
Filed: February 19, 2004

Title: APPARATUS AND METHOD FOR DETECTING DEFECTS OF A
RECORDING AND REPRODUCING SYSTEMCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REQUEST TO CORRECT INVENTORSHIP**

Sir:

Before examination of the above-identified patent application, please amend the inventorship to delete Yi-Lin LAI and add Shih-Fang CHEN.

Respectfully Submitted,

Dated: 7/22/05SQUIRE, SANDERS & DEMPSEY L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043
650-856-6500
Aaron Wininger
Attorney for Applicants
Reg. No. 45,229**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Date: July 22, 2005 By: Cathi L.G. Thoorsell

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2005</h3> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p>Complete if Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/782,352</td> </tr> <tr> <td>Filing Date</td> <td>February 19, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Chin-Yin TSAI</td> </tr> <tr> <td>Examiner Name</td> <td>Not Yet Assigned</td> </tr> <tr> <td>Art Unit</td> <td>2655</td> </tr> <tr> <td>Attorney Docket No.</td> <td>61994.00011</td> </tr> </table>		Application Number	10/782,352	Filing Date	February 19, 2004	First Named Inventor	Chin-Yin TSAI	Examiner Name	Not Yet Assigned	Art Unit	2655	Attorney Docket No.	61994.00011
Application Number	10/782,352														
Filing Date	February 19, 2004														
First Named Inventor	Chin-Yin TSAI														
Examiner Name	Not Yet Assigned														
Art Unit	2655														
Attorney Docket No.	61994.00011														
TOTAL AMOUNT OF PAYMENT	(\$) 130.00														

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify) : _____

☒ Deposit Account
 Deposit Account Number: 05-0150
 Deposit Account Name: Squire, Sanders & Dempsey, L.L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s)
 ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
_____ -20 or HP= _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
_____ - 3 or HP= _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) _____

Other (e.g., late filing surcharge) : Amendment/Request and Fee to Add to Original Erroneously Not Named Inventor **\$130.00**

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	45,229	Telephone	(650) 856-6500
Name (Print/Type)	Aaron Wininger		Date	July 22, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.